

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

COURTNEY DIANA, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

HORIZON HEALTHCARE
SERVICES, INC., d/b/a HORIZON
BLUE CROSS BLUE SHIELD OF
NEW JERSEY, a New Jersey
corporation,

Defendant.

Master Docket No. 13-cv-07418-
CCC-MF

**NOTICE OF DEFENDANT
HORIZON HEALTHCARE
SERVICES, INC.'S MOTION TO
DISMISS THE CONSOLIDATED
CLASS ACTION COMPLAINT**

Motion Returnable: October 20, 2014
Oral Argument Requested

KAREN PEKELNEY and MARK
MEISEL, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

HORIZON HEALTHCARE
SERVICES, INC., d/b/a HORIZON
BLUE CROSS BLUE SHIELD OF
NEW JERSEY, a New Jersey
corporation,

Defendant.

To: All Counsel of Record

PLEASE TAKE NOTICE that on October 20, 2014, at 9:00 a.m. or as soon thereafter as counsel may be heard, the attorneys for Defendant Horizon Healthcare Services, Inc., d/b/a Horizon Blue Cross Blue Shield of New Jersey (“Horizon”) in the above captioned action shall respectfully move before the Honorable Claire Cecchi, U.S.D.J. at the United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Courtroom 2B, Newark, NJ 07101, for an order dismissing the Consolidated Class Action Complaint pursuant to Fed. R. Civ. P. 12.

PLEASE TAKE FURTHER NOTICE that Defendant Horizon relies on the accompanying Memorandum of Law and Declaration of David Jay in Support of Its Motion to Dismiss the Consolidated Class Action Complaint. A proposed form of Order is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that Defendant hereby requests oral argument.

Dated: August 8, 2014

Respectfully submitted,

/s/ David Jay

Philip R. Sellinger

David Jay

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